

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SOCORRO MAYA, )  
)  
Plaintiff, )  
)  
v. )  
)  
WEXFORD HEALTH SOURCES, INC., )  
LOUIS SHICKER, JOHN BALDWIN, )  
KIMBERLY BUTLER, J. LASHBROOK, J. )  
TROST, GARCIA, RITZ, EINWOHNER, and )  
JANE DOE 1, )  
)  
Defendants. )

Case No. 3:17-cv-546-NJR-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court are the Motion for Entry of Default filed by Plaintiff on May 17, 2018 (Doc. 79) and the Motion for Extension of Time filed by Defendants Baldwin, Butler, Lashbrook, and Shicker, on May 17, 2018 (Doc. 82). The Motion for Entry of Default is **DENIED** and the Motion for Extension of Time is **GRANTED**.

Plaintiff is technically correct. After seeking and being granted four extensions of time, Defendants have filed a fifth motion after the deadline for filing an answer elapsed. Absent another extension, they defaulted. The only excuse offered is that the deadline was calendared incorrectly. This excuse seems weak given the amount of time that it has taken these Defendants to file an answer – more than 7 months after the original deadline – and the fact that the Court had a teleconference with the parties setting forth the deadline. However, the determination of what excusable neglect should be accepted is an equitable one. *See Raymond v. Ameritech Corp.*, 442 F.3d 600, 606 (7th Cir. 2006). In this matter, while there has been lengthy delay, there has been no prejudice to Plaintiff. This matter is at an early stage and a schedule already has been entered.

And, it appears that Defendants acted promptly upon discovering that they had blown their deadline. While the Court does not condone tardiness, fairness dictates that Defendants be allowed to offer their defenses to this action.

Defendants answer filed on May 31, 2018 is deemed timely (Doc. 86). The Court strongly suggests that Defendants' counsel exercise more care in calendaring deadlines in this matter. In light of this finding, Defendants additional motion for extension of time to file an exhaustion motion is **GRANTED IN PART** (Doc. 87). Defendants shall file their motion by **June 22, 2018**. This deadline will not be extended given the delay already experienced in this matter and the time necessary for Plaintiff and the Court to consider the motion prior to the hearing.

**DATED: June 12, 2018.**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**